

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 LINCOLN GENERAL INSURANCE )  
5 COMPANY, )

Case No.: 2:11-cv-00383-RLH-RJJ

6 Plaintiff, )

**ORDER**

7 vs. )

(Motion to Strike—#13)

8 JOSE ZAVALA-SANDOVAL, ALEJANDRA )  
9 ZAVALA-LEGORRETA, and STEFANIE )  
REYNOLDS, )

10 Defendants. )  
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12 Before the Court is Plaintiff Lincoln General Insurance Company's **Motion to**  
13 **Strike Affirmative Defenses of Defendant Stefanie Reynolds** (#13, filed Sep. 9, 2011).

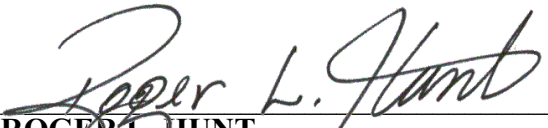
14 Although Defendants did not file an opposition, the Court has also considered Lincoln General's  
15 "Reply" (#16, filed June 21, 2011), which is really just a notice of non-opposition.

16 The Court summarily denies this motion. Defendants file affirmative defenses in  
17 their answers as a matter of course because failure to do so results in the defenses being waived.  
18 *Metcalfe v. Golden (In re Adbox, Inc.)*, 488 F.3d 836, 842 n. 2 (9th Cir. 2007); Fed. R. Civ. P. 8(c).  
19 The Court is therefore unwilling to strike a defense until after discovery has gone forward and  
20 Reynolds had been given the opportunity to establish her affirmative defenses.

21 Accordingly, and for good cause appearing,

22 IT IS HEREBY ORDERED that Lincoln General's Motion to Strike (#13) is  
23 DENIED.

24 Dated: September 9, 2011

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26 **ROGER L. HUNT**  
United States District Judge